# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/726,009 | 11/29/2000 | Leland James Wiesehuegel | AUS9-2000-0738-US1 | 9657 |

| | | | EXAMINER |
|---|---|---|---|
| 45993 | 7590 | 02/24/2005 | GRAHAM, CLEMENT B |

IBM CORPORATION (RHF)
C/O ROBERT H. FRANTZ
P. O. BOX 23324
OKLAHOMA CITY, OK 73123

| ART UNIT | PAPER NUMBER |
|---|---|
| 3628 | |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 09/726,009 | WIESEHUEGEL ET AL. |
| **Examiner** | **Art Unit** |
| Clement B Graham | 3628 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>10 May 2004</u>.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

## DETAILED ACTION

1.      Claims 1-21 remained pending.
### Claim Rejections - 35 USC § 103

2.      The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.      The factual inquiries set forth in Graham v. John Deere Co., 148 USPQ 459, that are applied for

establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as

follows:
        1. Determining the scope and contents of the prior art.
        2. Ascertaining the differences between the prior art and the claims at issue.
        3. Resolving the level of ordinary skill in the pertinent art.
        4. Considering objective evidence present in the application indicating obviousness or
unobviousness.

4.   Claims 1-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al(Hereinafter Johnson U.S. Patent 6, 598, 029) in view of Silverman et al (Hereinafter Silverman U. S. Patent 5, 136, 501).

        As per claims 1-6,  Johnson discloses a sales offering method for restricting

access by traders to collected online sealed bids in an online offering and bidding

system, said method comprising the steps:

of providing a computer-readable bid repository of collected bids communicative to an

online offering and bidding system said collected bids (Note abstract and see column 19

lines 39-45).

        Johnson fail to explicitly teach seal status indication field querying said bid

repository for bid which match parameters of a Broker Profile Matrix associated with a

trader and which are indicated as being unsealed by said seal status indication field

said trader representing a intermediary third party between a bidder and a offeror, and

presenting via a computer user interface said unsealed bids to said trader thereby

preventing presentation of bids which are sealed to traders.

        However Silverman discloses the central system maintains a data base consisting

of all of the trading instruments available for trade, credit information with respect to

potential counterparties which may be dynamically varied by the keystations, and the
bids and offers that are present throughout the system, while the client sites or
keystations, which are subject to gross counterparty credit limits in determining
permissible matches, criteria ("i. e, Broker Profile Matrix") maintain copies of only the
best bids and offers and use those to generate a display. Thus, the client sites have
some restricted subset of the total depth of the system book located at the central
database. By transmitting only subsets of the total system book from the host, the
amount of network overhead that is required is significantly reduced, which reduction is
further enhanced by the use of only summary information in the keystation books.
Moreover, this enables the central data base maintaining a full set of information for
every entry including identification of the parties which identification is not to be
provided for the subset books at the keystations in an anonymous ("i. e, sealed ")
trading system, and the assigned counterparty credit limit for all potential counterparties
in the system, with these counterparty credit limits not being provided to the keystations
and, thus, the gross counterparty credit limits are kept anonymous ("i. e, seal bids") in
the system. The only time that the keystation is made aware of the parties involved in
the transaction is after the transaction has been completed, but they are preferably
never made aware of the counterparty credit limits assigned to them. In this regard, if
the anonymous gross counterparty credit limit is exceeded by the potential transaction
the transaction will not be completed. Thus, in the system of the present invention, the
host may anonymously inhibit the occurrence of trades even though the price and
quantity would otherwise match. The various credit limits are individually set by the
keystations, with the anonymous gross counterparty credit limit being the minimum of
the two credit limits between counterparties to a potential matching transaction. (Note
abstract and see column 2 lines 18-63 and column 4 lines 6-27 and column 6 lines 61-
68 and column 7 lines 7-68) and the keystation book, as was previously mentioned,
comprises displayable data having a defined keystation book display depth range, such
as the best bid or offer, the next best bid or offer, and so forth, and bids and offers
which fall outside that display depth range are not displayed. Thus, the keystation books
each comprise a restricted subset of the total depth of the host book with respect to the

best bids and offers present in the host book database. These bids and offers contained in the keystation books are anonymous ("i. e, sealed ") prior to the completion to the matching transaction. ("i.e unsealing when matching is completed") In this regard, preferably a display depth of one for the keystation books would prevent looking into the host book at the keystation. In the system of the present invention, the broadcast messages from the host or central system are broadcast to all of the keystations in the matching system and are used to update the keystation books whereas the directed messages which are sent from the central system or host are directed back only to the keystations involved in the actual matching transaction. These directed messages are used to update the local entry data base or order book at the local keystations involved in the transaction so as to indicate what has happened to the offer or bid at that particular keystation made in connection with the matching transaction. Thus, by employing the distributed matching system of the present invention, real time prices are subject to real time credit controls which may be dynamically varied, to control potential matches which would otherwise occur based on price and quantity, and controllable subsets of a distributable system trading book may be selectively provided to the various trading keystations in the matching system from the host or central system in order to controllably mask the available trading market and efficiently transmit only the required matching information to those keystations which require it. (see column 4 lines 27-68 and column 5 lines 1-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Silverman in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

As per claims 7-12, Johnson discloses a computer-readable medium containing program code for a sales offering computer system for restricting access by traders to collected online sealed bids in an online offering and bidding system, said program code when executed by a sales offering computer system causes the sales offering computer system to perform the steps of

of providing a computer-readable bid repository of collected bids communicative to an online offering and bidding system said collected bids (Note abstract and see column 19 lines 39-45).

Johnson fail to explicitly teach seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids to said trader thereby preventing presentation of bids which are sealed to traders.

However Silverman discloses the central system maintains a data base consisting of all of the trading instruments available for trade, credit information with respect to potential counterparties which may be dynamically varied by the keystations, and the bids and offers that are present throughout the system, while the client sites or keystations, which are subject to gross counterparty credit limits in determining permissible matches, criteria ("i. e, Broker Profile Matrix") maintain copies of only the best bids and offers and use those to generate a display. Thus, the client sites have some restricted subset of the total depth of the system book located at the central database. By transmitting only subsets of the total system book from the host, the amount of network overhead that is required is significantly reduced, which reduction is further enhanced by the use of only summary information in the keystation books. Moreover, this enables the central data base maintaining a full set of information for every entry including identification of the parties which identification is not to be provided for the subset books at the keystations in an anonymous ("i. e, sealed ") trading system, and the assigned counterparty credit limit for all potential counterparties in the system, with these counterparty credit limits not being provided to the keystations

and, thus, the gross counterparty credit limits are kept anonymous ("i. e, seal bids") in
the system. The only time that the keystation is made aware of the parties involved in
the transaction is after the transaction has been completed, but they are preferably
never made aware of the counterparty credit limits assigned to them. In this regard, if
the anonymous gross counterparty credit limit is exceeded by the potential transaction
the transaction will not be completed. Thus, in the system of the present invention, the
host may anonymously inhibit the occurrence of trades even though the price and
quantity would otherwise match. The various credit limits are individually set by the
keystations, with the anonymous gross counterparty credit limit being the minimum of
the two credit limits between counterparties to a potential matching transaction. (Note
abstract and see column 2 lines 18-63 and column 4 lines 6-27 and column 6 lines 61-
68 and column 7 lines 7-68) and the keystation book, as was previously mentioned,
comprises displayable data having a defined keystation book display depth range, such
as the best bid or offer, the next best bid or offer, and so forth, and bids and offers
which fall outside that display depth range are not displayed. Thus, the keystation books
each comprise a restricted subset of the total depth of the host book with respect to the
best bids and offers present in the host book database. These bids and offers contained
in the keystation books are anonymous ("i. e, sealed ") prior to the completion to the
matching transaction. ("i.e unsealing when matching is completed") In this regard,
preferably a display depth of one for the keystation books would prevent looking into the
host book at the keystation. In the system of the present invention, the broadcast
messages from the host or central system are broadcast to all of the keystations in the
matching system

and are used to update the keystation books whereas the directed messages which are
sent from the central system or host are directed back only to the keystations involved
in the actual matching transaction. These directed messages are used to update the
local entry data base or order book at the local keystations involved in the transaction
so as to indicate what has happened to the offer or bid at that particular keystation
made in connection with the matching transaction. Thus, by employing the distributed
matching system of the present invention, real time prices are subject to real time credit

controls which may be dynamically varied, to control potential matches which would otherwise occur based on price and quantity, and controllable subsets of a distributable system trading book may be selectively provided to the various trading keystations in the matching system from the host or central system in order to controllably mask the available trading market and efficiently transmit only the required matching information to those keystations which require it. (see column 4 lines 27-68 and column 5 lines 1-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Silverman in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

As per claims 13-21, Johnson discloses a sealed bid sales offering system in a computer network, said computer network enabling communications between said sales offering system and trader consoles, said offering system comprising:
a bid database containing collected bids said database being accessible and queriable by sales offering system said collected bids (Note abstract and see column 19 lines 39-45) and a database query server communicative to said bid database.(see column 11 lines 6-15).

Johnson fail to explicitly teach having associated seal status indication field querying said bid repository for bids which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror and an bid communicator for presenting said retrieved queried unsealed bids to said trader thereby preventing presentation of sealed bids to a trader.

However Silverman discloses the central system maintains a data base consisting of all of the trading instruments available for trade, credit information with respect to potential counterparties which may be dynamically varied by the keystations, and the bids and offers that are present throughout the system, while the client sites or keystations, which are subject to gross counterparty credit limits in determining permissible matches, criteria ("i. e, Broker Profile Matrix") maintain copies of only the best bids and offers and use those to generate a display. Thus, the client sites have some restricted subset of the total depth of the system book located at the central database. By transmitting only subsets of the total system book from the host, the amount of network overhead that is required is significantly reduced, which reduction is further enhanced by the use of only summary information in the keystation books. Moreover, this enables the central data base maintaining a full set of information for every entry including identification of the parties which identification is not to be provided for the subset books at the keystations in an anonymous ("i. e, sealed ") trading system, and the assigned counterparty credit limit for all potential counterparties in the system, with these counterparty credit limits not being provided to the keystations and, thus, the gross counterparty credit limits are kept anonymous ("i. e, seal bids") in the system. The only time that the keystation is made aware of the parties involved in the transaction is after the transaction has been completed, but they are preferably a display depth of one for the keystation books would prevent looking into the host book at the keystation. In the system of the present invention, the broadcast messages from the host or central system are broadcast to all of the keystations in the matching system and are used to update the keystation books whereas the directed messages which are sent from the central system or host are directed back only to the keystations involved in the actual matching transaction. These directed messages are used to update the local entry data base or order book at the local keystations involved in the transaction so as to indicate what has happened to the offer or bid at that particular keystation made in connection with the matching transaction. Thus, by employing the distributed matching system of the present invention, real time prices are subject to real time credit controls which may be dynamically varied, to control potential matches which would otherwise occur based on

price and quantity, and controllable subsets of a distributable system trading book may be selectively provided to the various trading keystations in the matching system from the host or central system in order to controllably mask the available trading market and efficiently transmit only the required matching information to those keystations which require it. (see column 4 lines 27-68 and column 5 lines 1-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include seal status indication field querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed by said seal status indication field said trader representing a intermediary third party between a bidder and a offeror, and presenting via a computer user interface said unsealed bids taught by Silverman in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

## Conclusion

5.                          **RESPONSE TO ARGUMENTS**

6. response to argument's filed May 10 2004 has been fully considered but they are moot in view of new grounds of rejections.

7.      Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.
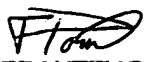
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


CG
February 03, 2005

FRANTZ POINVIL
PRIMARY EXAMINER
AU 3628